

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Bear Creek Bible Church, et al.

Plaintiffs,

v.

**Equal Employment Opportunity
Commission, et al.,**

Defendants.

Case No. 4:18-cv-00824-O

JOINT STATUS REPORT

On August 15, 2023, the Court ordered the parties to confer and submit a joint status report that: (1) “summarizes the issues on remand”; and (2) “proposes a schedule for resolution of the remaining issues.” ECF No. 146. The parties jointly and respectfully submit this report in accordance with the Court’s instructions.

I. ISSUES REMAINING ON REMAND

There are two issues remaining for this Court on remand. First, the Court should vacate its class-certification order (ECF No. 135) in accordance with the Fifth Circuit’s instructions. The proposed order attached to this report vacates the class-certification order.

Second, the Court must enter a new final judgment that accords with the Fifth Circuit’s ruling on appeal. The plaintiffs propose that the parties engage in a motions practice regarding the form of the judgment, and they will file their motion for entry of judgment and a copy of their proposed final judgment later today. The defendants’ position is that such a practice is not necessary. The parties have conferred but were not able to agree on the contents of the final judgment, so the defendants will oppose the plaintiffs’ soon-to-be-filed motion and will file a competing proposal.

II. PROPOSED SCHEDULE FOR RESOLVING REMAINING ISSUES

The Court should vacate the class certification order (ECF No. 135).

The plaintiffs will file a motion for entry of judgment later today, accompanied by their proposed final judgment. The defendants will respond to this motion in accordance with the motions-briefing schedule set forth in the local rules, which gives the defendants 21 days to file their brief in opposition and their proposed final judgment. The plaintiffs will also file a reply in accordance with the local rules.

Respectfully submitted.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Texas Bar No. 24075463
Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
(512) 686-3940 (phone)
(512) 686-3941 (fax)
jonathan@mitchell.law

Counsel for Plaintiffs

Dated: August 30, 2023

BRIAN M. BOYNTON
Acting Assistant Attorney General

CARLOTTA P. WELLS
Assistant Branch Director

/s/ Benjamin T. Takemoto
BENJAMIN T. TAKEMOTO
D.C. Bar No. 1045253
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box No. 883, Ben Franklin Station
Washington, DC 20044
(202) 532-4252 (phone)
(202) 616-8460 (fax)
benjamin.takemoto@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on August 30, 2023, I served this document through CM/ECF
upon:

BENJAMIN T. TAKEMOTO
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box No. 883, Ben Franklin Station
Washington, DC 20044
(202) 532-4252 (phone)
(202) 616-8460 (fax)
benjamin.takemoto@usdoj.gov

Counsel for Defendants

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Plaintiffs